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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,459	05/02/2001	Yuji Kawaguchi	0445-0300P	4434

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EXAMINER

PICKETT, JOHN G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 07/30/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/846,459

Applicant(s)

KAWAGUCHI ET AL.

Examiner

Greg Pickett

Art Unit

3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12, 13. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 29, 2003 has been entered.

3. Claims 1 and 3-8 are pending in the application.

***Election/Restrictions***

4. Claim 7 is withdrawn from consideration as directed to an invention nonelected, with traverse in Paper No. 7.

***Claim Interpretations***

5. Claim 1 contains the limitation, "a concave cutout part being formed in a front board of said inner carton part". The claim does not appear to require the concave cutout part to be a complete opening in the front board of the inner carton part. The

examiner will examine the claim both with and without the requirement of a complete opening in the front board.

6. Claim 1 contains the limitation, "wherein the contents of said paper container are a sheet-like detergent, a tablet-type detergent, or an agglomerated detergent." The examiner does not consider this a positive recitation of the container contents, since the container contents are not positively set forth previously in the claim. Further, the applicant has noted that the detergent is not included of the invention in Paper No. 7, page 20, 3<sup>rd</sup> paragraph.

***Claim Rejections - 35 USC § 103***

7. Claims 1, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone (US 5,314,114) in view of Giblin et al (US 5,320,279).

Regarding claim 1, Stone '114 discloses a paper container (10) having a hexahedral configuration (see Figure 4) and comprising a container main body (26); a lid member (28) attached to a back side edge part (29) of an upper end open surface of the container main body and having an upper surface lid part (12), a front surface lid part (57), and a pair of side lid parts (as shown, Figure 4); an inner carton part (40, 42, 44) with concave cutout part (50) formed on a front board (42); and severance guide line (24) extending obliquely downward along a pair of side boards and extending along the front board under the cutout part. The container of Stone '114 is sized as claimed

Art Unit: 3728

by the applicant and is capable of storing an agglomerated detergent (see for example, Col. 1, line 29).

Stone '114 does not disclose the severance guide line extending from opposite ends of the connecting ridge line. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the severance guide line extending from opposite ends of the connecting ridge line, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Further, Stone '114 does not disclose an inner carton part being mounted on an inner side of the container, which the examiner interprets as meaning separate from the container.

Giblin et al discloses a container with an inner carton part that may be separate from the container (Col. 2, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Stone '114 with an inner carton part that is separate as taught by Giblin et al in order to allow for the printing of separate material on the inner carton part. It has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Nerwin v. Erlichman, 168 USPQ 177, 179.

As to claim 5, the container of Stone '114-Giblin is capable of storing a packaged detergent; such a limitation constitutes an intended use.

As to claim 6, the container of Stone '114-Giblin discloses a container formed of a moisture proof material (Giblin, Col. 2, ll. 25-27) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature

Art Unit: 3728

in the container of Stone '114-Giblin to protect the packaged detergent during storage. The container of Stone '114-Giblin is capable of storing a sheet-like detergent; such a limitation constitutes an intended use.

As to claim 8, the container of Stone '114-Giblin discloses a unitary front board (Stone '114, 42).

8. Claims 1, 3, 5, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone '114 in view of Stone (US 3,963,173) and Giblin et al.

Regarding claim 1, Stone '114 discloses a paper container (10) having a hexahedral configuration (see Figure 4) and comprising a container main body (26); a lid member (28) attached to a back side edge part (29) of an upper end open surface of the container main body and having an upper surface lid part (12), a front surface lid part (57), and a pair of side lid parts (as shown, Figure 4); an inner carton part (40, 42, 44) with concave cutout part (50) formed on a front board (42); and severance guide line (24) extending obliquely downward along a pair of side boards and extending along the front board under the cutout part. The container of Stone '114 is sized as claimed by the applicant and is capable of storing an agglomerated detergent (see for example, Col. 1, line 29).

Stone '114 does not disclose the severance guide line extending from opposite ends of the connecting ridge line or a concave cutout part completely removed from the front board of the inner carton part.

Art Unit: 3728

Stone '173 discloses a container (Figure 19) with an inner carton part (184) having a concave cutout part (186) completely removed from front board (184) and severance guide line (222, 206) extending from opposite ends of the connecting ridge line (as shown, Figure 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the container of Stone '114 with a lid and cutout structure as taught by Stone '173 in order to provide ready access to the contents (see for example, Stone '173, Col. 1, ll. 41-45).

Stone '114-Stone '173 does not disclose an inner carton part being mounted on an inner side of the container, which the examiner interprets as meaning separate from the container.

Giblin et al discloses a container with an inner carton part that may be separate from the container (Col. 2, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the container of Stone '114 with an inner carton part that is separate as taught by Giblin et al in order to allow for the printing of separate material on the inner carton part. It has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

Nerwin v. Erlichman, 168 USPQ 177, 179.

As to claim 3, the container of Stone '114-Stone '173-Giblin discloses lock parts (Stone '173, 188, 190).

As to claim 5, the container of Stone '114-Stone '173-Giblin is capable of storing a packaged detergent; such a limitation constitutes an intended use.

Art Unit: 3728

As to claim 6, the container of Stone '114-Stone '173-Giblin discloses a container formed of a moisture proof material (Giblin, Col. 2, ll. 25-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include this feature in the container of Stone '114-Stone '173-Giblin to protect the packaged detergent during storage. The container of Stone '114-Stone '173-Giblin is capable of storing a sheet-like detergent; such a limitation constitutes an intended use.

As to claim 8, the container of Stone '114-Stone '173-Giblin discloses a unitary front board (Stone '173, 184).

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Stone '114-Giblin or Stone '114-Stone '173-Giblin as applied to claim 1 above, and further in view of Wood et al (US 5,985,772).

The container of either Stone '114-Giblin or Stone '114-Stone '173-Giblin, as applied to claim 1 above, meets all limitations claimed by the applicant except for the paper material formed of a paper baser material, a printed layer, an outer colored film, and an inner film.

Wood et al discloses a packaging material comprising a paper base material (240), a printed layer (220), an outer colored film (210), and an inner film (210). The outer film (210) and inner film (210) of Wood et al consists of an aqueous borne acrylic coating having a natural color. The coatings can also be pigmented (Col. 8, ll. 16-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the container of either Stone '114-Giblin or Stone '114-Stone



'173-Giblin with a packaging material as taught by Wood et al in order to protect the paper base material and printed matter from damage.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 3-6, and 8 have been considered but are moot in view of the new ground(s) of rejection. The examiner admits that the previously applied Graybill reference would not have suggested the partial opening arrangement as required by amended claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Pickett whose telephone number is 703-305-8321. The examiner can normally be reached on Mon-Fri, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Application/Control Number: 09/846,459

Page 9

Art Unit: 3728

100

Greg Pickett  
Examiner  
July 21, 2003



Mickey Yu  
Supervisory Patent Examiner  
Group 3700